

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twenty Third day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN
CRIMINAL ORIGINAL PETITION No.7723 of 2021

SAKTHIVEL [PETITIONER / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
J13 POLICE STATION, THARAMANI,
CHENNAI - 600 113.
CR.NO.NOT KNOWN OF 2021.

For Petitioner : M/S. K.GOVI GANESAN Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest for the alleged offence under Section 294(b), 324 and 506(i) of IPC in Crime No.129 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that, due to a quarrel with regard to parking of his vehicle in front of the defacto complainant's house, the petitioner said to have attacked the defacto complainant and caused injuries. Hence, a complaint has been lodged against the petitioner.

4.The learned counsel for the petitioner would submit that the petitioner did not commit any mistake as alleged by the prosecution and hence he seeks for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate appearing for the State would submit that there are totally four accused in this case and the petitioner is A1. The petitioner along with three other friends have parked their vehicle in front of the defacto complainant's house and blocked their entry and exit. When this was questioned, they attacked the defacto complainant and caused simple injuries. He further stated that the injured person was discharged from hospital and also no previous case against the petitioner.

6.Taking into consideration the facts and circumstances of the case and also the submission made by the learned Government Advocate that the injured has been discharged from hospital and also that no previous case against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, within a period of 15 days from the date of receipt of a copy of this order, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., and at 5.30 p.m., for two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

23/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 XVIII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
J13 POLICE STATION, THARAMANI,
CHENNAI - 600 113.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. K.GОВI GANESAN Advocate on payment of necessary charges Sr.5280

CRL OP.7723/2021

Date :23/04/2021

RVR 28/04/2021

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